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10 *Suzuki Enterprises, Inc. Profit Sharing Plan*

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19 *Attorneys for Defendant*
20 *Suzuki Enterprises, Inc. Profit Sharing Plan*

21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF NEVADA**

23 SHIGE TAKIGUCHI, et. al,
24 Individually and On Behalf of All
25 Others Similarity Situated,

26 Plaintiffs,

27 v.

28 MRI INTERNATIONAL, INC.,
EDWIN J. FUJINAGA, JUNZO
SUZUKI, PAUL MUSASHI
SUZUKI, LVT, INC., dba STERLING
ESCROW, and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-NJK
ORDER GRANTING
**STIPULATION AND ORDER RE
PAYMENT OF ATTORNEYS
FEES AND COSTS INCURRED
BY SUZUKI ENTERPRISES, INC.
PROFIT SHARING PLAN
DURING MAY 2017**

1 WHEREAS Defendant Suzuki Enterprises, Inc. Profit Sharing Plan (the
2 “Plan”) and Plaintiffs are collectively referred to herein as the “Parties”;

3 WHEREAS on December 2, 2016, the Court issued its order [550] (“Order
4 re Fees”) approving the Stipulation re Payment of Attorneys’ Fees [549]
5 (“Stipulation re Fees”), providing a procedure for payment of legal fees and costs
6 from Plan funds that are presently subject to the preliminary injunction [183]
7 issued by this Court;

8 WHEREAS the Plan incurred legal fees and costs in May 2017 in the
9 amount of \$26,793.50, in connection with: coordinating global settlement
10 discussions, communications with multiple counsel, Plan fiduciaries and the Court
11 regarding settlement issues, preparing an Answer and Initial Disclosures, and
12 commencing work on the Pre-Trial Order;

13 WHEREAS such fees and costs are payable as follows:

- 14 • \$13,506.50 payable to Foundation Law Group, LLP, lead counsel for
15 the Plan; and
- 16 • \$13,286.50 payable to Enenstein Ribakoff LaViña & Pham, local
17 counsel for the Plan;

18 WHEREAS the invoices for the Plan’s legal fees with specific descriptions
19 of the work accomplished are attached hereto as Exhibit “A”;

20 WHEREAS the Parties have communicated a mutual desire to avoid the
21 necessity of a formal motion for attorneys’ fees through this Stipulation;

22 NOW, therefore, the Parties stipulate that:

- 23 1. Payment of the Plan’s legal fees and expenses for the month of May
24 2017, in the total amount of \$26,793.00, shall be made from the funds
25 held by LPL Financial for the benefit of the Plan with the specific
26 breakdown of this total amount below;
- 27 2. \$13,506.50 of the funds held by LPL Financial for the benefit of the Plan
28 shall be unfrozen and released from the preliminary injunction [183] and
paid to Foundation Law Group LLP;

- 1 3. \$13,286.50 of the funds held by LPL Financial for the benefit of the Plan
2 shall be unfrozen and released from the preliminary injunction [183] and
3 paid to Enenstein Ribakoff LaViña & Pham;
- 4 4. The remaining funds held by LPL Financial for the benefit of the Plan
5 shall remain frozen and subject to the preliminary injunction [183]
6 pending a further application for payment of attorneys' fees and
7 expenses; and
- 8 5. Payment of attorneys' fees and expenses for the month of May 2017 (per
9 items 2 and 3 above) shall be made from cash on hand that is held in the
10 name of the Plan.

11 DATED this 2nd day of June, 2017

DATED this 2nd day of June, 2017

12 **MANNING & KASS ELLROD**
13 **RAMIREZ, TRESTER LLP**

ENENSTEIN RIBAKOFF LAVIÑA
& PHAM

14 By: /s/ James E. Gibbons
15 *Attorneys for Plaintiffs*

By: /s/ Robert A. Rabbat
16 *Attorneys for Suzuki Enterprises, Inc.,*
17 *Profit Sharing Plan*

18 DATED this 2nd day of June, 2017

DATED this 2nd day of June, 2017

19 **LAW OFFICES OF ROBERT W.**
20 **COHEN, A.P.C.**

FOUNDATION LAW GROUP LLP

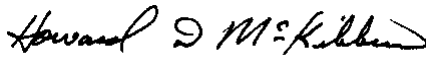
21 By: /s/ Robert W. Cohen
22 *Attorneys for Plaintiffs*

By: /s/ Gregg D. Zucker
23 *Attorneys for Suzuki Enterprises,*
24 *Inc., Profit Sharing Plan*

25 **ORDER**

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 DATED this 5th day of June, 2017.

28 
United States District Judge

CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 2nd day of June, 2017, I served a true and correct copy of the foregoing **STIPULATION AND ORDER RE PAYMENT OF ATTORNEYS FEES AND COSTS INCURRED BY SUZUKI ENTERPRISES, INC., PROFIT SHARING PLAN DURING MAY 2017** via mandatory electronic service via Pacer. Parties may access this filing through the Court's CM/ECF.

/s/ Michelle Choto

Michelle Choto

Exhibit A – the Plan’s invoices

**INVOICE**

Invoice # 1459
Date: 05/31/2017

Suzuki Enterprises, Inc. Profit Sharing Plan

1043-00001-Suzuki Enterprises, Inc. Profit Sharing Plan/Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.

Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.

Type	Date	Attorney	Description	Quantity	Rate	Total
Service	05/01/2017	Gregg Zucker	Review correspondence from Plaintiffs' counsel regarding settlement issues; telephone conferences with Mr. Morgan regarding same; strategize regarding same; correspondence to/from Mr. Morgan regarding same; correspondence to client regarding non-global settlement; correspondence to Mr. Rabbat and telephone conferences with Mr. Rabbat regarding Answer and Initial Disclosures; strategize regarding same.	1.00	\$595.00	\$595.00
Service	05/02/2017	Gregg Zucker	Strategize regarding Answer and Initial Disclosures; review subpoena re ICAG; telephone conference with Mr. Morgan regarding same and settlement discussions; strategize regarding experts; correspondence regarding same.	1.00	\$595.00	\$595.00
Service	05/03/2017	Gregg Zucker	Review expert disclosures; telephone conferences with Mr. Morgan, Mr. Rabbat and experts regarding same; strategize regarding same; telephone conference with Plaintiffs' counsel regarding same and settlement discussions; correspondence to/from Plaintiffs' counsel regarding same; review Initial Disclosures; strategize regarding same.	2.70	\$595.00	\$1,606.50
Service	05/04/2017	Gregg Zucker	Review and revise draft Initial Disclosures; review draft Answer; strategize regarding same; strategize regarding experts and trial preparation; prepare numerous correspondence regarding same.	2.20	\$595.00	\$1,309.00

Service	05/05/2017	Gregg Zucker	Coordinate preparation of Answer and Initial Disclosures; review and revise same; strategize regarding same; correspondence regarding same; telephone conferences with Mr. Morgan regarding same; telephone conferences with local counsel regarding same.	2.60	\$595.00	\$1,547.00
Service	05/07/2017	Gregg Zucker	Strategize regarding Certificate of Interested Parties and additional information needed; strategize regarding pre-trial order requirements.	0.30	\$595.00	\$178.50
Service	05/08/2017	Gregg Zucker	Telephone conference with Mr. Morgan regarding settlement status; strategize regarding same; review Suzuki Answer and recent Orders from Court.	0.60	\$595.00	\$357.00
Service	05/09/2017	Gregg Zucker	Review correspondence regarding pre-trial order; correspondence to Messrs. Morgan and Rabbat regarding same; strategize regarding same; coordinate preparation of inserts into pre-trial order; correspondence regarding status of settlement offers; telephone conferences with Mr. Morgan and Plaintiffs' counsel regarding same; review and prepare correspondence from/to Plaintiffs' counsel regarding expert disclosure issues.	0.90	\$595.00	\$535.50
Service	05/10/2017	Gregg Zucker	Review and prepare correspondence regarding timing of expert disclosures; strategize regarding same; telephone conferences with Mr. Morgan and Plaintiffs' counsel regarding settlement status; prepare and review correspondence regarding pre-trial order; review documents for same and use at trial; strategize regarding same; correspondence with local counsel regarding ERISA law issues for inclusion into pre-trial order; correspondence to Plaintiffs' counsel regarding trial dates; telephone conference with Mr. Morgan regarding same; correspondence to Plaintiffs' counsel regarding service of additional defendants.	1.90	\$595.00	\$1,130.50
Service	05/11/2017	Gregg Zucker	Telephone conference with Plaintiffs' counsel and telephone calls to Mr. Morgan regarding settlement status; strategize regarding pre-trial order; correspondence to Mr. Rabbat regarding same; revise same; review and revise stipulation on same; review court order on same; correspondence regarding same.	1.10	\$595.00	\$654.50

Service	05/12/2017	Gregg Zucker	Telephone conference with court regarding pre-trial order and settlement; correspondence to Plaintiffs' counsel regarding settlement agreement; strategize regarding same; review court order on pre-trial conference; calendaring new deadlines/conferences.	0.70	\$595.00	\$416.50
Service	05/15/2017	Gregg Zucker	Telephone conferences with Plaintiffs' counsel and Mr. Morgan regarding settlement discussions; strategize regarding same; correspondence to Mr. Morgan regarding same; correspondence to Plaintiffs' counsel regarding same; correspondence to client regarding same.	1.30	\$595.00	\$773.50
Service	05/16/2017	Gregg Zucker	Telephone conferences with and correspondence from/to Plaintiffs' counsel and Mr. Morgan regarding settlement; strategize regarding same.	1.00	\$595.00	\$595.00
Service	05/17/2017	Gregg Zucker	Prepare and review correspondence regarding SEI Plan balance.	0.10	\$595.00	\$59.50
Service	05/18/2017	Gregg Zucker	Review and prepare correspondence from/to Mr. Morgan and Plaintiffs' counsel regarding settlement; strategize regarding same; telephone conference with Plaintiffs' counsel regarding same; review settlement agreement; review prior correspondence regarding prior drafts of settlement.	1.40	\$595.00	\$833.00
Service	05/19/2017	Gregg Zucker	Review correspondence regarding settlement; telephone conference with Mr. Morgan regarding same; strategize regarding same.	0.30	\$595.00	\$178.50
Service	05/21/2017	Gregg Zucker	Strategize regarding Plaintiffs' recent settlement demand; telephone conference with Mr. Morgan regarding same.	0.20	\$595.00	\$119.00
Service	05/22/2017	Gregg Zucker	Review and prepare correspondence regarding telephone call on settlement issues; telephone conference with Mr. Morgan and Plaintiffs' counsel regarding same; correspondence to Mr. Morgan regarding account balance.	0.40	\$595.00	\$238.00
Service	05/23/2017	Gregg Zucker	Correspondence with Mr. Morgan and local counsel regarding settlement issues.	0.10	\$595.00	\$59.50
Service	05/24/2017	Gregg Zucker	Review correspondence regarding settlement issues; review motion for preliminary approval of Sterling settlement; correspondence to Plaintiffs'	0.30	\$595.00	\$178.50

			counsel regarding same; strategize regarding same.			
Service	05/25/2017	Gregg Zucker	Review and prepare correspondence from/to Plaintiffs' counsel regarding settlement issues; telephone conference with Mr. Morgan regarding plan contribution issues; prepare for and telephone conference with court regarding status of settlement discussions; strategize regarding plan contribution issues; correspondence to client regarding same; calendaring additional/new court conference and pre-trial order dates; prepare and review correspondence to/from Plaintiffs' counsel regarding final approval issues.	1.40	\$595.00	\$833.00
Service	05/26/2017	Gregg Zucker	Review minute orders from court; calendaring new dates/times for hearing; review correspondence from clerk.	0.30	\$595.00	\$178.50
Service	05/30/2017	Gregg Zucker	Review correspondence from Plaintiffs' counsel regarding settlement agreement; telephone conference with Plaintiffs' counsel regarding same; correspondence to/from court clerk regarding hearing on Sterling settlement; review recent orders regarding upcoming hearings and attorneys' fees.	0.60	\$595.00	\$357.00
Service	05/31/2017	Gregg Zucker	Preliminary review of redlined settlement agreement; correspondence to Mr. Morgan regarding same.	0.30	\$595.00	\$178.50
					Subtotal	\$13,506.50
					Total	\$13,506.50

Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
(\$0.00	+ \$13,506.50) - (\$0.00) = \$13,506.50

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1459	05/31/2017	\$13,506.50	\$0.00	\$13,506.50
Outstanding Balance				\$13,506.50
Total Amount Outstanding				\$13,506.50

Payment is due upon receipt unless otherwise agreed in writing.

Remittance Advice

Checking Information

Remit checks to: Foundation Law Group LLP
445 S. Figueroa Street, Suite 3100
Los Angeles, CA 90071

Wire Transfer Information

Bank Name/Address: Chase Bank
749 Foothill Blvd.
La Canada, CA 91011

Bank ABA/Routing #: 322271627

Name/Account #: Foundation Law Group LLP
Account Number- 525388950

SWIFT: CHASUS33

Please include the invoice number 1459 as an additional reference so we may accurately identify and apply your payment. Please provide adequate payment to cover the wire fees assessed by your financial institution.

You may also pay by Chase QuickPay at billing@foundationlaw.com

Enenstein Ribakoff LaViña & Pham

3960 Howard Hughes Pkwy, Suite 280

Las Vegas, NV 89169

Telephone: (702) 468-0808

Fax: (702) 920-8228

Suzuki Enterprises, Inc. Profit Sharing Plan

May 31, 2017
Invoice No. 22399

Client: Suzuki Enterprises, Inc. Profit Sharing Plan

Matter ID: NV 400012.001 Suzuki adv. Takiguchi

For Services Rendered Through 5/31/2017

<u>Fees</u>				
<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
5/1/2017	RAR	CONFER RE ANSWER AND INITIAL DISCLOSURES; CONTINUE PREPARATION OF ANSWER	2.00	\$990.00
5/2/2017	RAR	CONTINUE DRAFTING ANSWER TO FIFTH AMENDED COMPLAINT; REVIEW SCHEDULING ORDER AND RULES REGARDING EXPERT DESIGNATIONS; TELEPHONE CONFERENCES WITH CO-COUNSEL RE SAME; ADDRESS INITIAL DISCLOSURES	2.80	\$1,386.00
5/3/2017	RAR	PREPARE AND SUBMIT STIPULATION RE PAYMENT OF FEES FOR APRIL; EMAILS RE SAME	0.40	\$198.00
5/3/2017	RAR	CONTINUE DRAFTING INITIAL DISCLOSURES	1.20	\$594.00
5/3/2017	RAR	CONTINUE DRAFTING ANSWER TO FIFTH AMENDED COMPLAINT	1.00	\$495.00
5/4/2017	RAR	CONTINUE DRAFTING ANSWER TO FIFTH AMENDED COMPLAINT; LEGAL RESEARCH REGARDING APPLICABLE STATUTES OF LIMITATION TO VARIOUS CAUSES OF ACTION IN FIFTH AMENDED COMPLAINT FOR USE IN DRAFTING ANSWER TO FIFTH AMENDED COMPLAINT	4.90	\$2,425.50
5/4/2017	RAR	CONTINUE DRAFTING PLAN INITIAL DISCLOSURES; REVIEW FILED DOCUMENTS AND OTHER AVAILABLE MATERIALS FOR USE IN DRAFTING INITIAL DISCLOSURES	1.00	\$495.00
5/5/2017	RAR	CONTINUE DRAFTING AND FINALIZE ANSWER TO FIFTH AMENDED COMPLAINT ON BEHALF OF PLAN	5.20	\$2,574.00
5/5/2017	RAR	CONTINUE REVIEW AND ANALYSIS OF AVAILABLE DOCUMENTS FOR USE IN DRAFTING INITIAL DISCLOSURES (.9); CONTINUE DRAFTING AND FINALIZE INITIAL DISCLOSURES ON BEHALF OF PLAN (.2); DRAFT CERTIFICATE OF INTERESTED PARTIES (.2)	1.30	\$643.50
5/8/2017	RAR	TELEPHONE CALL WITH ERISA COUNSEL RE CERTIFICATE OF INTERESTED PARTIES; EMAIL EXCHANGES RE SAME; REVISE AND FINALIZE CERTIFICATE OF INTERESTED PARTIES BASED ON DISCUSSIONS WITH ERISA COUNSEL	0.50	\$247.50
5/9/2017	RAR	ADDRESS PREPARATION OF JOINT PRE-TRIAL ORDER; REVIEW PLAINTIFFS' DRAFT JOINT PRE-TRIAL ORDER; FINALIZE AND FILE CERTIFICATE OF INTERESTED PARTIES	1.20	\$594.00
5/10/2017	MC	PREPARED TRIAL EXHIBITS AND LOG FOR ATTORNEY'S REVIEW RE JOINT PRE-TRIAL DISCLOSURES.	0.50	\$70.00
5/10/2017	RAR	REVIEW CORRESPONDENCE REGARDING ERISA ISSUES; ADDRESS JOINT PRE-TRIAL ORDER	1.20	\$594.00

Continued On Next Page

Matter ID: NV 400012.001

5/31/2017
Page: 2

5/11/2017	RAR	REVIEW AND ANALYZE DRAFT JOINT PRE-TRIAL ORDER AND DRAFT PLAN ADDITIONS TO SAME; REVIEW DOCUMENTS TO BE IDENTIFIED AS EXHIBITS AND IDENTIFY IN PROPOSED PRE-TRIAL ORDER ADDITIONS; REVIEW ERISA RELATED LEGAL RESEARCH FOR USE IN CRAFTING PLAN ADDITIONS TO JOINT PRE-TRIAL ORDER; REVIEW LOCAL RULES REGARDING JOINT PRE TRIAL ORDER	2.70	\$1,336.50
5/11/2017	RAR	REVIEW MINUTE ORDER RE TELEPHONIC STATUS CONFERENCE SET WITH COURT	0.10	\$49.50
5/12/2017	RAR	PARTICIPATE IN TELEPHONIC STATUS CONFERENCE	0.50	\$247.50
5/12/2017	RAR	REVIEW EMAILS RE SETTLEMENT AND SCHEDULING; REVIEW MINUTE ORDER RE DATES AND STATUS CONFERENCE	0.20	\$99.00
5/25/2017	RAR	ATTEND TELEPHONIC STATUS CONFERENCE WITH COURT AND ALL COUNSEL	0.40	\$198.00
5/26/2017	RAR	REVIEW MINUTE ORDERS OF COURT RE STATUS CONFERENCE AND CONTINUANCES	0.10	\$49.50
			Billable Hours / Fees:	27.20 \$13,286.50

Timekeeper Summary

Timekeeper MC worked 0.50 hours at \$140.00 per hour, total \$70.00.

Timekeeper RAR worked 26.70 hours at \$495.00 per hour, total \$13,216.50.

Cost Detail

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Check No.</u>
01/10/2017	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q12017	\$2.50	
01/13/2017	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q12017	\$2.10	
02/21/2017	DOCUMENT RETRIEVAL - PACER INV. # 4138789	\$4.20	
03/16/2017	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q12017	\$0.70	
03/16/2017	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q12017	\$0.70	
		Total Costs:	\$10.20

Payment Detail

<u>Date</u>	<u>Description</u>	<u>Amount</u>
05/31/2017	Check Number 104827076 (Bank of America)	(\$2,525.62)
		Total Payments Received:
		(\$2,525.62)

Matter ID: NV 400012.001

5/31/2017
Page: 3

Prior Balance:	\$2,525.62		
Payments Received:	(\$2,525.62)	Last Payment:	5/31/2017
Current Fees:	\$13,286.50		
Advanced Costs:	\$10.20		
Administrative Cost/Late Charges:	\$0.00		
Amount to be Applied from Trust:	(\$0.00)		
TOTAL AMOUNT DUE:	<u>\$13,296.70</u>		

Thank You For Your Business